

ENFORCEMENT CONSULTANTS REPORT ON
NEW OR ROUTINE MANAGEMENT MEASURES FOR 2015-2016 FISHERIES

The Enforcement Consultants (EC) have reviewed the September 2014 Agenda Item G.4.b and have the following comments on Highly Migratory Species Management Team (HMSMT) Report #1 and HMSMT Report #2.

HMSMT Report #1

Under the proposed Federal Drift Gillnet regulations a vessel monitoring system (VMS) will be required on all participating vessels. The proposed rule requires a one ping per hour position transmission. However, the proposed rule does not include a “continuous transit” requirement for a vessel operating in a restricted area. The EC recommends including “continuous transit” language that is similar to the groundfish VMS requirements, to achieve integrity of the closed area. This may deter a vessel from engaging in illegal fishing activity and enhance our enforcement capabilities. The EC also recommends that in conjunction with the “continuous transit” requirement, the VMS transmission rate be changed to a 15 minute ping rate interval. As discussed during previous Council meetings, in August 2013, Chief Administrative Law Judge Susan Biro ruled that the data provided through hourly VMS position report is insufficient to prove that a vessel is not operating in “continuous transit” through a restricted area. Based on Judge Biro’s decision, it is recommended that a 15 minute ping rate could provide sufficient data to better determine vessel activity, which the EC has incorporated into this recommendation. The EC recognizes the impacts of this request, but enforcement has the responsibility to ensure any evidence submitted to the court is sufficient. Therefore, given the currently available tools, the 15 minute VMS ping rate is needed to enforce the proposed “continuous transit” provision in the DGN fishery.

In addition to requiring “continuous transit” and changing the existing ping rate, the EC recommends the Council give consideration to pursuing existing technologies that may be available and can provide better information with a potential cost reduction. By looking at other technologies, there is the potential to keep the one hour VMS ping rate, supplemented with other compliance monitoring technology that will address the needs of both industry and enforcement.

HMSMT Report #2

The EC recommends that the aggregate bluefin tuna bag limit option be adopted. Enforcement can then enforce a bag limit regulation in the EEZ regardless of where the fish were caught. It is anticipated that the California Fish and Game Commission will adopt regulations for state waters that will conform to Federal regulations. Without the ability to properly identify the species of fish possessed aboard a vessel which has processed its catch, a bag limit regulation will be difficult to enforce. It is just as important to be able to determine other species of fish on the vessel are not bluefin tuna. CDFW wardens need to be able to reliably identify the species of fish per California Fish and Game Code section 5509. Enforcement would like to work with industry to determine acceptable methods of being able to process fish in a manner that will allow the Enforcement Officer to determine the species of fish.